UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 17-107 (DWF/TNL)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL MORRIS ET AL.,

Defendants.

**GOVERNMENT'S MOTION TO DESIGNATE CASE AS COMPLEX UNDER THE SPEEDY TRIAL ACT**

Plaintiff, United States of America, by its attorneys, Julie E. Allyn, Laura M. Provinzino, and Melinda A. Williams, respectfully moves the Court for an order designating the above-captioned matter as a complex case for purposes of the Speedy Trial Act, as well as for filings, hearing motions, and trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The grounds for this motion are as follows:

1. The grand jury returned an indictment on May 16, 2017, and it charges twenty-one defendants with counts of (1) conspiracy to commit sex trafficking; (2) sex trafficking by use of force, threats of force, fraud, and coercion; (3) conspiracy to commit transportation to engage in prostitution; (4) conspiracy to engage in money laundering; (5) conspiracy to use a communication facility to promote prostitution; and (6) operating an unlicensed money transmitting business over the time period of January 2009 through May 2017.

2. To date, twenty of the twenty-one indicted defendants have been arrested. The have had their initial appearances across the United States, including in the Northern

District of Illinois; the Northern, Western and Southern Districts of Texas; and the Central and Southern Districts of California. These out-of-district defendants are each in the process of being transferred to the District of Minnesota. The timing of their arrival in the District of Minnesota will vary. One defendant remain at large.

3. As alleged in the superseding indictment, Doc. No. 46, the defendants, along with others known and unknown to the grand jury, are members of a large-scale international sex trafficking organization. The sex trafficking organization used bondage debt and other means of force, threats of force, fraud, and coercion to traffic women from Thailand to cities across the United States. To further their goals, the defendants engaged in an elaborate operation, which entailed sex trafficking by force, threats of force, fraud, and coercion and conspiracies to commit transportation to engage in prostitution, money laundering, and to use a communication facility to promote prostitution. Several defendants also operated unlicensed money transmitting businesses. The superseding indictment itself is the result of a lengthy investigation of a large-scale international sex trafficking organization that reached from Minnesota to Thailand and multiple locations in between spanning a multi-year period. Moreover, the instant investigation began in 2013 and culminated, in part, with the execution of arrest warrants in multiple jurisdictions across the United States on May 24, 2017, and the successful arrest of twenty persons. Upon unsealing of the superseding indictment as had occurred in October 2016 in the earlier associated case *United States v. Sumalee Intarathong et al.*, 16-cr-257 (DWF/TNL), the matter received a noteworthy amount of publicity in the local and even international media.

4. In accordance with the Court's usual convention, we anticipate that an arraignment or scheduling order will be issued in this matter shortly after defendants are transferred to and make their appearances in this District, providing dates typical for a standard case indicted in this District pursuant to Local Rule 12.1. For example, the government's Rule 16 material would be due within a week of each defendant's appearance along with a limited period to review the discovery and hold a motions hearing.

5. However, and respectfully, there are thousands of pages of investigative materials relevant to the overall investigation.[1] This includes an extensive volume of bank records, travel records, email, and law enforcement reports from multiple agencies across the United States. Additionally, over 200 grand jury subpoenas were issued during the course of the multiple-year investigation and the discovery materials include the returns for each of these subpoenas. Moreover, there is audio, video, and electronic surveillance from multiple jurisdictions, including numerous digital items seized pursuant to arrest and search and seizure warrants on May 24, 2017, which must be prepared for disclosure. This includes dozens of recordings of various types, forensic review of electronic equipment, GPS tracking data, and other electronically stored information.

6. The volume of investigative materials is further complicated because many of the materials are in the Thai language and require translation to English. These materials

[1] For example, the government has tallied at least 44,868 documents of written materials alone. This figure does not include the voluminous number of emails collected from well more than 50 search warrants during the investigation of the sex trafficking organization. Indeed, the first round of production in *United States v. Sumalee Intarathong et al.*, 16-cr-257 (DWF/TNL), required defense counsel to provide a hard drive that could hold at least 250 GB of data. The discovery is significantly larger than that now.

include both written materials (*e.g.*, email, LINE app communication) and oral recordings (*e.g.*, phone calls). The United States has already sought translations of certain materials, but the volume is large and the process is ongoing.

7. A protective order will be necessary in this case just as one is in place in *Intarathong et al.* Doc. No. 131. Respectfully, the Government needs additional time to provide (or provide access to) these materials to the defendants following the proper disposition of a protective order. (The government will be filing a motion for a protective order shortly.) Furthermore, even if disclosure could occur as scheduled under Local Rule 12.1, the defendants would have an incredibly limited opportunity to conduct a meaningful review for purposes of filing motions and preparing for trial. The parties would be entirely unable to intelligently accomplish the goals of Local Rule 12.1, especially the directives to "confer with the responding party" and to "attempt in good faith to clarify and narrow the issues in dispute" before submitting any pretrial motions.

8. At base, the government respectfully requests the additional time provided under a complex case designation to prepare and disclose the extensive volume of materials relevant to this investigation. The government similarly acknowledges that it would be unreasonable to expect defendants to adequately prepare within the short time limits established by the Speedy Trial Act. Accordingly, a continuance is warranted under 18 U.S.C. § 3161(h)(7)(B)(ii).

9. The case is unusual and complex in that the indicted conduct involves a complex international sex-trafficking organization, stemming from evidence gathered from a multi-jurisdictional investigation reaching back to 2013 and beyond and culminating in

a significant amount of arrest and search warrant evidence from October 2016 and May 2017. Underpinning all of that evidence includes the written materials related to the investigation, hundreds of reports and similar documents, thousands of pages of records, and the various surveillance media (and resulting materials) described above. This matter will require extensive document and evidence review and preparation, such that it is unreasonable to expect adequate preparation under the standard scheduling order, and for the trial, within the time limits of the Speedy Trial Act or the time limits as typically set by this Court. Therefore, a continuance is warranted by 18 U.S.C. § 3161(h)(7)(B)(ii).

10. The companion case *United States v. Sumalee Intarathong et al.*, 16-cr-257 (DWF/TNL), was designated complex. Doc. No. 80. The government similarly requests that designation in this case, *United States v. Michael Morris et al.*, 17-cr-107 (DWF/TNL), for all of those reasons outlined in *Intarathong et al.* Moreover, this case involves high-level defendants, many of whom were house bosses across the United States, including additional high-level defendants charged with money laundering. At a later date, as defendants make their appearances in this District, the government intends to submit a proposed schedule for the completion of pretrial and trial proceedings for consideration in a case management order as was issued in *Intarathong et al.* Doc. No. 150.

WHEREFORE, the Government respectfully requests that the Court designate this case complex, and upon appearances in this District, set out the dates for disclosure of Rule 16 materials, the filing of motions and responses, and a hearing and trial date by at least 90 days in a case management order.

Dated: June 2, 2017

Respectfully Submitted,

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